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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,402	01/15/2002	William C. King		5298

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JAMES D. WELCH
10328 PINEHURST AVE.
OMAHA, NE 68124

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/09/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,402

Applicant(s)

KING, WILLIAM C.

Examiner

Clark F. Dexter

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3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) 2-7, 9, 10, 21-26, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 11, 12, 14, 15, 19, 20, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed December 10, 2003 has been entered.

Election/Restrictions

2. Newly added claims 29 and 30 correspond to the non-elected invention of Group III (see paper no. 3) and have been withdrawn from further consideration pursuant to 37 CFR 1.142(b).

Drawings

3. The drawings are objected to because of the following informalities:

In Figure 1a, features CS, CG and ES should be changed (e.g., CSO, CGO and ESO) because they are different from those corresponding features in the other embodiments of the invention.

In Figures 5c and 5d, the use of CG is improper since it is a modified version of that shown in the previous embodiment, and it seems that it should be changed to --CG'-- or the like.

In Figures 5e and 5f, the use of CG is improper since it is a modified version of that shown in the previous embodiment, and it seems that it should be changed to --CG"-- or the like.

A proposed drawing correction is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Abstract

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because the recitation "Disclosed is a" is improper, and it is suggested to change it to --A-- or the like. Appropriate correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

6. Claims 11, 12, 14, 15, 19, 20 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 18, the recitation "chain link mating elements" renders the claim vague as to whether it refers to that previously set forth or to other such elements.

In claim 19, lines 9-10, the recitation "into which said chain link mating elements slidably insert" is vague and indefinite as to what is being set forth, and it is suggested to change "slideably insert" to --slideably inserted-- or the like; in lines 13-16, the recitation "means present therein which allows impeding" is vague and indefinite as to what is being set forth, and it is suggested to change "which allows impeding" to --for impeding-- or the like, and further this "means" clause is vague and indefinite as to what disclosed structure it refers; in line 17, the recitation "a chain saw chain" is vague as to whether it refers to that previously set forth or to another such chain, and it is suggested to change "a" to --said-- or the like.

In claim 20, lines 1-2, the recitation "means ... which allows effecting" is vague and indefinite as to what is being set forth.

In claim 27, lines 12-13, the phrase "when forced to do" is vague and incomplete, and it seems that --so-- should be re-inserted after "do" or the like; in lines 24-25, the recitation "thereby tensioning of said chain" is awkwardly worded and vague as to what is being set forth.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Olson, pn 1,260,701.

Claim Rejections - 35 USC § 102/103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 8, 11, 12, 19, 20, 27 and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cookson et al., pn 3,390,710.

Cookson discloses a chain saw (e.g., in Fig. 2) with every structural limitation of the claimed invention. In the alternative, if it is argued that Cookson does not disclose the specific structure of the chain saw chain, the Examiner position is that such structure is inherent, or at the very least obvious since such chain saw chain configurations are old and well known in the art as evidenced by the prior art of record, one example being Reynolds, pn 4,382,334.

Claim Rejections - 35 USC § 103

11. Claims 11, 12, 14, 15, 19, 20, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson, pn 1,260,701 in view of Piller, pn 4,61,401.

Olson discloses a chain saw with almost every structural limitation of the claimed invention but lacks a lateral slit or lateral slits in the chain channel guide. However, the Examiner takes Official notice that providing such slits is old and well known in the art and provides various well known benefits including providing extendable chain bars to perform different types of cutting operations and/or cutting operations on different size work pieces. Piller discloses an example of one such chain saw. Therefore, it would have been obvious to one having ordinary skill in the art to provide a chain bar having slits therein for the well known benefits including those described above. It is noted that regarding claim 19, the recitation "means present therein which allows impeding the slideability of the chain saw chain in said continuous chain channel guide" is not understood. However, to the extent understood, it has been interpreted defining the structure of a slit as the recitation is further defined in dependent claim 20.

12. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson et al., pn 3,390,710.

Cookson lacks a second lateral slit in the guide channel. However, the Examiner takes Official notice that it is old and well known in the art to provide additional structure to multiply the effect of the structure, or to provide the same effect with multiple structure. For example, if one having ordinary skill in the art wished to provide more tensioning capabilities, that person knows that this could be effected by simply adding

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another slot and the associated tensioning structure. Similarly, if one having ordinary skill in the art wished to attain the same effect without applying a large amount of tension at one location, that person knows that this could be effected by providing the same of smaller tensioning structures at multiple locations. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second slit along with the associated hardware for various known benefits including those described above.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can normally be reached on Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
March 5, 2004